

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the view of the reasons that follow.

Status of Claims:

No claims are currently being added, canceled or amended.

Claims 1-26 remain pending in this application.

Request for Entry of After-Final Reply:

It is respectfully requested that this after-final reply be considered and entered, since it is believed to place this application in condition for allowance without requiring further consideration and/or search.

Claims 1-3, 18-19 and 25-26:

In the Office Action, claims 1-3, 18-19 and 25-26 were rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent No. 6,509,988 to Saito. This rejection is traversed for at least the reasons given below.

The Office Action asserts that Saito discloses a first speed setting circuit and a second speed setting circuit, in column 2, lines 13-18 and column 3, lines 7-15. While this statement is true, it does not correspond to the claimed invention as recited in claim 1. In claim 1, a first receiver node receives an inbound first packet at a first speed from a first bus, and a second receiver node transmits the inbound first packet as an outbound first packet at a second speed to a second bus. In Saito, as disclosed in column 4, lines 8-13, the nodes arbitrate with each other to determine a common speed at which to send packets between those nodes, and thus packets are sent between nodes in the system of Saito at only one speed (the common speed).

Also, page 8 of the Office Action asserts that the argument made in the previous-filed reply, which argued that "Saito does not disclose or suggest the transmitting of first and second packets at first and second speeds between two nodes, respectively," is not recited in the claims. However, this assertion is

incorrect, since claim 1 clearly recites these features of using two speeds for sending packets between nodes. Also, independent claims 18 and 19 recite similar features as discussed above with respect to claim 1, which are not disclosed or suggested by Saito.

Accordingly, independent claims 1, 18 and 19 are not anticipated by Saito. Therefore, claims 2, 3 and 25, which depend from claim 1, are also not anticipated by Saito.

Statement re: Common Ownership:

Application Serial No. 09/671,150 and U.S. Patent No. 6,609,988 (Saito) were, at the time the invention of Application Serial No. 09/671,150 was made, owned by NEC Corporation.

Claims 4, 21, and 26:

In accordance with M.P.E.P. Section 706.02(l)(2), and based on the statement made above, the rejection of claims 4 and 21 under 35 U.S.C. Section 103(a) as being unpatentable over Saito in view of U.S. Patent No. 5,504,757 to Cook has been overcome. Please note that claim 26 should have been included with claims 4 and 21 in the rejections made in the Office Action, since it depends from claim 4.

Conclusion:

Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 12, 2004

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399